

that it is my duty, under the Constitution, to decline to waive the independence of the executive department, that it would be a violation of my oath of office to do so, and that such a course would necessarily result in embarrassment of the state government.

"They point out, and with unanswerable authority, that the exemption of a Governor from arrest and trial upon criminal charges during his term of office is not a personal privilege, but an exemption in the interest of the public welfare and to perpetuate the independence of the executive department."

"I accept these conclusions as irrevocable by their very force, pointing out to me the course I should pursue, and I shall therefore not attempt to waive the constitutional exemption."

GROGER BOY KISSED A MAID AND WHOLE TOWN GOES TO COURT

(Continued From First Page.)

club members, appealing movingly to their manly independence in his closing.

The jury walked out with averted eyes from the concentrated and purposeful glare of the front benches.

After four hours a constable came in to say that it was awful hot in there and the jury wanted to have a little talk with the judge. "A man to man talk," the constable said. It could not be done.

A constable brought out a note at 1:30 o'clock. It read:

"Dear Judge: We will find the defendant guilty if you will let him go."

Lawyer O'Brien protested against an answer and was sustained by the court.

The jury came in, hot and cross after six hours in a windowless consultation room at 2:30 with a written verdict.

"Guilty, with a recommendation to mercy," it read.

"I suppose I ought to send him to jail," Judge Moore observed, apparently addressing a fly on the ceiling.

There was a gentle flutter of applause and a few shrill cheers, though scarcely followed by a groan from the back benches.

Mr. O'Brien angrily protested that the court knew what the jury meant and why and was bound to follow its intent.

"Under the circumstances," said the court, "there is nothing for me to do but to suspend sentence. The officers will clear the court."

It is reported that the Justice left the building by a side entrance. Above the hum of departing automobiles along the roads for half an hour were heard tones of soprano and alto and tenor and contralto.

TO PROBE WHOLE SUBJECT
OF JAPAN'S IMMIGRATION

Investigation Started by Story of Hawaii's Arrangement.

WASHINGTON, July 22.—The subject of the understanding with Japan in 1905 relative to the control of Japanese immigration to the United States will be investigated by the House Immigration Committee, which today adopted a resolution requesting the State Department to furnish it with the diplomatic correspondence leading up to the agreement.

Action by the committee came after Chief McMurtry, chief of the State Department Division of Far Eastern Affairs, had informed it that Japan had never applied the restrictions in the understanding to Hawaii, and that the Japanese Government had regulated the number of laborers flying passports to Hawaii through an arrangement with the sugar planters of the island territory.

NEW YORK BROKER KILLED
BY FALL FROM WINDOW

J. Youngblood, Floor Commission Man, Dies in Philadelphia.

(Special to The Evening World.)

PHILADELPHIA, July 22.—J. Youngblood, a New York floor broker, fell or jumped from a fourth-story window of the Hotel Vendue today and received injuries which caused his death.

Examination of his room indicated that the man had been suffering from a nervous ailment. Several prescriptions and bottles of medicine were found on the floor.

A diamond ring was found in his pockets. He was a member of the Twenty-third New York City Y. M. C. A. Deputy Coroner Sayre believes the man fell from the window accidentally.

100 U. S. TANKERS ARE IDLE.

Because of the attitude of the Mexican Government and a reduced foreign demand for oil, more than 100 tankers under the American flag are tied up. Fifty-one of them are controlled by the Shipping Board and are laid up at Mobile.

The Shipping Board's fleet of eighty-nine tankers is said to have shown a profit of more than \$20,000,000 during the last fiscal year, though it lost heavily on the operation of its cargo vessels. Six tankers are now building for the Shipping Board, and fifty-eight vessels equipped to carry oil are under construction in American shipyards for private interests.

Steamship Fragrant in Port
Twelve Men Injured.

SAN FRANCISCO, July 22.—The Pacific Steamship Company's steamer Admiral Fragrant, which was disabled off the coast ten miles north of here by an exploding feed pipe, passed into the harbor today in tow of the tug Sea Eagle. She was taken to her dock, where the twelve crew members who were injured in the explosion, which crippled the vessel for a time, were removed.

Loss in Closed Chicago Trust Company May Be \$600,000.

CHICAGO, July 22.—Investigation by State Bank Examiners into the affairs of the Michigan Avenue Trust Company, which was closed yesterday by order of the State Auditor, indicates it was an unlicensed bank, that the loss to the bank through recent bad investments was total between \$500,000 and \$700,000.

CAMPBELL DENIES HE TOOK "\$5,000 FOR HIGHER UPS"

Tells Bergdoll Committee That
Stock Ventures Were With
His Own Money.

EXPLAINS HIS ACCOUNTS

Says He Had \$5,000 in Bank
in 1917; Wants Time to
Get Papers.

(Special From a Staff Correspondent
of The Evening World.)

WASHINGTON, July 22.—Major Bruce R. Campbell, the army officer accused by Mrs. Emma C. Bergdoll of demanding and securing \$4,000 from her for use in "fixing higher-ups," took the stand in his own defense before the House Committee this morning and entered an emphatic denial.

"I consider it a trifling error that I was not allowed to go on the stand immediately following Mrs. Bergdoll's testimony," said Campbell. "It was my misfortune for these charges to go broadcast without my having a chance to refute them promptly."

The opening session was resumed with Campbell being sworn. Col. John T. Taylor, assistant counsel for the committee, read to the witness his testimony given at a previous hearing in which Campbell denied ever having received any money from Bergdoll.

The witness confirmed his previous statement. "You did not charge Bergdoll or any of his connections or attorneys for your services or receive any money?" asked Taylor.

"That is correct."

Mrs. Bergdoll's statement of last Tuesday was read to him alleging she had paid him \$5,000.

"I denounce that statement as untrue in every particular," the witness declared.

Major Campbell made a good appearance, being perfectly at ease and well poised.

"Do you care to tell the committee the source of the funds which you deposited with Wasserman Bros. and with which you purchased an automobile?"

"No, not at this time, because I came absolutely without preparation. I have no notes, no check stubs, nothing of the kind."

The witness then went back to the time when he first appeared before the committee on May 22, and stated that at that time he had no money.

"I was raised by some of the military intelligence officers who mentioned the matter to him at that time."

"I was apparently no disposition to go into it at that time and I dropped it," said Campbell. "I could tell the committee where I got the money deposited with Wasserman Brothers, but I do not desire to do so until I can present corroborative papers and other evidence."

"Do you wish to say what other brokers you did business with in New York besides Wasserman Brothers?"

"I do not wish to go into that now."

"Did you have a bank account with the Seaboard National Bank?"

"Yes."

"Why did you draw the \$1,500 for your automobile from Wasserman instead of from your regular bank account?"

"Because I was ahead of the market at that time and there was no reason why I should not draw on my private account. I had not that much money on deposit in my Seaboard bank account."

"Where did you obtain the \$4,500 and \$5,000 you deposited with Wasserman at that time?"

"At first he stated he would prefer more time to check up, but after a pause Campbell said he preferred to explain the situation in November or December, 1917, he had on deposit in his regular bank account a little over \$5,000 and drew it out."

Campbell said Mrs. Bergdoll had never mentioned money payments to him and that he was never approached on the matter of influencing members of the court. He denied he had received \$50 to buy shoes and collars.

"Gibbons the lawyer," said Campbell, "handed me some checks to buy clothes on one occasion. That was absolutely the only money of theirs that passed through my hands."

The witness insisted that he had never had any money discussion with Mrs. Bergdoll except on one occasion when "Ma" Bergdoll told him she could be reading the stars tell when it was a lucky time to invest.

"I said," explained Campbell, "that is a fine idea. I have just deposited \$5,000 with a broker and I would like to have your advice. Therefore Mrs. Bergdoll knew very well that I had \$5,000 at that time."

"Campbell, you are a good enough lawyer to know the meat of this case is in the explanation of that \$4,500, why don't you tell us where you got that money?" inquired Mr. Lubling.

"Because it is none of your damn business," replied the witness heatedly.

The witness then apologized for his display of temper. "That money was mine and kept by me and my wife during the last period of the war," Campbell finally said. He claimed that he had realized the money he had in New York from speculation in the stock market.

Lexington, Ky., now dead. He had in his possession more than \$24,000 during the past few years outside of his army pay.

FISHERMEN MAKE SURE
OF GETTING THEIR PAY.

BOSTON, July 22.—The crew of the Gloucester fisherman Flora L. Oliver, heading to port to market a catch of swordfish, refused to let the grounding of their ship keep them out of their pay.

They unloaded forty-seven big swordfish into dories, rowed four miles to the flat pier and cashed in on their four weeks' trip, while their vessel pounded on the shore. Tugs floated the schooner.

Loss in Closed Chicago Trust Company May Be \$600,000.

CHICAGO, July 22.—Investigation by State Bank Examiners into the affairs of the Michigan Avenue Trust Company, which was closed yesterday by order of the State Auditor, indicates it was an unlicensed bank, that the loss to the bank through recent bad investments was total between \$500,000 and \$700,000.

NEW AIR PICK AND HAMMER RIPS UP STREET PAVEMENTS LIKE CUTTING SOFT CHEESE



REMOVING COBBLE STONES WITH AIR HAMMER.

With Crew of Three It Will Do the Work of
Fifteen Men, and a Lot of Laborers
May Now Lose Their Jobs.

Another blow has been struck at the man who works with the pick and shovel, particularly the pick. Just as the patent outfit for loading coal in the cellar window with a chute caused the man with the shovel and barrow to pass out, so it is believed the compressed air hammer, turned into a pick, will put the laborer with the pick out of business in a lot of jobs.

As the riveter had to learn to use their hammer, perhaps so will the laborer have to use the air pick on the big job. After a couple of years of experience the Consolidated Gas Company has equipped its emergency crews with the air hammer or air pick, as it is termed by some.

For a couple of hours yesterday a crowd of sightseers gathered about the wagon in William Street while a crew of the gas company ripped parts of the street between Frankfort and Spruce by the application of compressed air.

The whole outfit is carried on a large auto truck and consists of a forty horse power gasoline engine and the compressors. The engine drives the air with a pressure of seventy pounds to the inch through the reinforced rubber hose and delivers it against the hammer.

The hammer in this case, however, is a pointed steel or wrought iron bar about seven inches long, one and a half inches thick, resembling an oversized railroad spike. This is inserted down a well or put a hole through a pavement block, is driven down and a little twist of the machine by the operators loosens it and turns it over.

In the breaking up of asphalt pavement where men formerly picked and picked by hand the compressed air pick goes through it like cheese, bars rows into it and the hole is run along like a mole for a foot or more and turns it over much as a furrow is turned in ploughing.

"What will she do?" asked the engineer in charge of the wagon. "Well, there are three men in the crew. They will do the work of fifteen hand men. We can rip up a street with it or tear down a well or put a hole through one if we have to. So far we have never been called upon to open a safe or break a door open or put some awful dents in it."

"We have been experimenting with it for a couple of years, that is the makers of it, Ingwersoll & Hard, have built now the experimental stage has passed. It's a fact."

"There is a fascination about seeing the thing work. It generally makes a man's back ache to see some laborer sweating his eyeballs out on a hot day picking at a piece of pavement that apparently has been put down for boards. Watching a man direct the air pick gives one a different feeling."

"SLACKER" ON THE STAND.

Judelevits Tells Court Martial He
Never Hid Himself.

Louis Judelevits, first alleged slacker list man to go on trial here for desertion, took the stand today as a witness in his own defense at Governor's Island.

Following receipt of a card notifying him to be ready for a call, Judelevits went to the officers of his local board, waiting to inquire when they would want him and was told there was one of his visits to "get out and stay away."

Judelevits said he was never in hiding, that as a collector he was widely known all through the section of Brooklyn in which he lives and works.

100 PAINTERS IN FIGHT.

Two Go to Hospital After Brownsville Meeting.

Jacob Welner, twenty-four, of No. 93 Stratford Avenue, and David Misch, thirty-two, of No. 112 Grafton Street, both of Brooklyn, are in St. Mary's Hospital, Brooklyn, with possible fractures of the skull, following a fight between factions of a Painters' Union local at the Brownsville Labor Gymnasium last night. Over one hundred men battled.

The fight grew out of a recent election contest and was broken up by police.

Boy With Stitches Here Improves.

Frank Farina, the boy in whose heart several fractures were taken on Tuesday last, is reported today to be in a very good condition. While Dr. Dowling of Holy Family Hospital, Brooklyn, feared pneumonia yesterday, there is no indication of it today.

Two Hurt in Painters' Row.

Suffer Possible Skull Fractures at
Brownsville Meeting.

The police were called to the Labor Gymnasium at No. 211 Rockman Street, Brownsville, about midnight by a report there had been a riot. They found Jacob Welner, twenty-four, No. 93 Stratford Avenue, and David Misch, thirty-two, No. 112 Grafton Street, with possible fractures of the skull.

All they could learn was that during a meeting of painters there had been a fight and the two men were struck by unidentified persons with a blunt instrument.

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BARNES LEADING IN FINAL PLAY FOR GOLF TITLE

(Continued From First Page.)

hardest holes on the course. Three times he grabbed injuries, so accurate was his iron work.

With a fine chance to lower a course record Hagen slipped a little turning for home. His putting that only a short time before had been so dependable became uncertain.

This weakness was costly as he required 38 to complete the second half of the journey. Playing the home hole Hagen really committed his first error through the fairway when he banged a mashie into a trap to the left of the green. He recovered nicely, however, and had a short putt for a 31 that missed its mark by only a matter of inches.

HUTCHISON AND KIRKWOOD, PAIRED, EQUALLY UNSTEADY.

Hagen was almost the exception among the ranking contestants to improve on his third round. Jack Hutchison, open champion of Great Britain, who never got started in this tournament, continued his erratic golf and spoiled his slight chance to finish in the money. Hutchison was paired with Kirkwood, the Australian, and both were equally unsteady.

The biggest explosion was made by Tommy Kerrigan of the Siwanoy Club, Mount Vernon. He made the second best showing of the Americans in the recent English tournament at St. Andrews and was considered a dangerous contender here, but Kerrigan cooked his own goose in the third round with a 48 for the outward trip. The Siwanoy professional did well until coming to the fifth hole, that has proved a graveyard for championship hopes. Kerrigan took ten whallops here after driving two balls out of bounds into a cornfield and missing up other shots on the way to the flag.

Bobby Jones, Atlanta amateur, Alex Smith, a veteran of professional golf in the United States, Charlie Betscher, a young professional from Maryland and Jesse Guilford, Massachusetts amateur title holder, all went up a little but managed to stick with the leaders.

Chick Evans, national amateur champion, stayed right up in the preferred position with a third round of 76 for a 227 total. He proved to be another defender to sneak in ahead of George Duncan.

Evans was erratic going out, but rallied in time to register a 76. Just one stroke higher came young Bobby Jones, who flashed some brilliant and some very mediocre shots. In the last national championship the struggle between the country's two leading amateurs resulted in Evans leading the boy wonder of the South by a single stroke. At the third round today Jones topped Evans by exactly the same margin.

Another amateur to make a good showing was Jesse Guilford, whose third round of 78 netted a 232 total.

Fred McLeod, diminutive professional of the Columbia Club, who has finished in the money for national titles more often than any other rival, continued his wonderful record on his home course when he returned a third round card of 76 for a 224 total that tied Walter Hagen.

McLeod went to the turn in 35 with occasional iron approaches that fell slightly short. He committed several errors on the homeward journey, especially on the long uphill twelfth where he twice landed in bunkers and took a six.

Walter Hagen cut loose with a wonderful exhibition of stroking on his outward journey. His showing went a long way toward making good the prediction Hagen made to the writer that he would still catch Barnes, who has been his special victim in other championships.

Hagen was paired with Nelson Whitney, New Orleans amateur, who went decidedly wrong, taking sixes and a seven for various holes for a 46 total. Hagen unimpaired of his partner's weakness, covered the outward journey in dazzling form, driving long and true and putting accurately.

Most of the time the former champion putted for threes. He nearly scored a four on the long, difficult fifth hole, where so many came to grief yesterday. Here Hagen was just short of the green with a brassie, pitched up beautifully and had a seven-foot putt for a four that just hung on the edge of the cup. Hagen's card showed four 3's, three 4's and two 5's.

Albert Natalie, a young professional from Maryland, returned the lowest complete card for the round with a fine 73.

Weather conditions were the best of the tournament. A delightful breeze was welcome to both contestants and hundreds of spectators who continued to stream in over the spacious club grounds. Interest in the championship is so keen that a new local record for attendance is certain to be made before the ultimate winner receives the silver cup from President Harding, who will follow after the various leaders in the final round and then make the presentation to the new 1922 champion.

Scores for the third eighteen holes and totals for three rounds follow:

A. F. Natalie, Lansdowne, Pa., 73—

Joe Sylvester, St. Albans, N. Y., 84—

Jesse P. Guilford, Auburndale, Mass., 78—232.

Tom Boyd, Fox Hills, Staten Island, N. Y., 79—233.

John Golden, Tuxedo, N. Y., 82—236.

W. M. Louch, Merchantsville, N. J., 77—239.

Charles P. Betscher, Arlington, Mass., 82—245.

Charles Clarke, Reslyn, N. Y., 80—246.

A. Watrous, Royal Oak, Mich., 83—257.

A. Cruikshank, Manchester, Mass., 80—262.

Jack Forrester, Westbury, Mass., 89—275.

Laurel Ayton, Evanston, Ill., 74—278.

Joe Novak, Spokane, 85—243.

W. H. Trovinger, Rochester, 75—241.

Charles R. Murray, Royal Golf Club, Montreal, 82—240.

J. J. Farrell, Mamaroneck, N. Y., 81—239.

Carl Walker, Englewood, N. J., 76—234.

Walter Hagen, New York, 72—234.

Jack Burke, St. Paul, 73—241.

J. W. Sweetser, Ardley, 77—233.

John Bredemus, San Felipe, Texas, 84—244.

J. J. Ferguson, Spring Lake, N. J., 86—253.

Mike Brady, Detroit, 78—255.

Pat O'Hara, Staten Island, N. Y., 79—254.

Nelson M. Whitney, New Orleans, 85—244.

Clarence Hackney, Atlantic City, 82—238.

George Duncan, England, 78, 235.

George McLean, Glasgow, 80, 240.

Leo Diegel, Detroit, 83, 240.

Ernie S. Mackie, Summit, N. J., 84, 245.

Alex Smith, New London, Conn., 79, 229.

Emmett French, Youngstown, Pa., 74, 226.

Charles Evans Jr., Chicago, 76, 227.

Alex Cunningham, Toledo, 84, 231.

T. J. H. Jopp, Maplewood, N. J., 75, 229.

Fred C. Canham, West Point, N. Y., 81, 246.

A. F. Hackbart, Park Ridge, Ill., 82, 247.

Charles Mothesole, Pinehurst, N. C., 79—238.

Jack Gordon, Buffalo, 81—243.

Gene Sargent, Titusville, Pa., 79, 231.

Robert T. Jones Jr., Atlanta, 77, 226.

Wilfred Thomson, Richmond, Va., 82, 241.

Edwin Townes, Pittsburgh, 82—239.

Jack Rice, Woodmere, N. Y., 87—249.

Frank Colhart, Philadelphia, 81—247.

Harry Hampton, Rochester, Mich., 78—237.

John A. Park, Easthampton, N. Y., 85—250.

Jack Hutchison, Chicago, 77—235.

Joseph Kirkwood, Australia, 80—236.

Fred McLeod, Washington, 76—224.

Alex Campbell, Pleasant Ridge, O., 84—250.

TWO MEN KILLED IN EXPLOSION ON STANDARD TANKER

South Brooklyn Shaken
Mysterious Blow-Up at
the Morse Dock

Two workmen were instantly killed, two others were fatally injured and eight more were hurt severely enough to warrant their removal to a hospital by an